

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #1	CCRB Case #: 201808831	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/17/2018 8:20 AM	Location of Incident: [REDACTED]	Precinct: 123	18 Mo. SOL 4/17/2020	EO SOL 12/2/2020	
Date/Time CV Reported Mon, 10/22/2018 9:52 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/22/2018 9:52 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Salvatore Oliveri	22331	933641	123 PCT
2. POM Peter Evensen	15094	923807	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri questioned § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri questioned § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri questioned § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Peter Evensen	Abuse: Police Officer Peter Evensen questioned § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Peter Evensen	Abuse: Police Officer Peter Evensen questioned § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Peter Evensen	Abuse: Police Officer Peter Evensen questioned § 87(2)(b) [REDACTED]	[REDACTED]
G.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri stopped § 87(2)(b) [REDACTED]	[REDACTED]
H.POM Peter Evensen	Abuse: Police Officer Peter Evensen stopped § 87(2)(b) [REDACTED]	[REDACTED]
I.POM Peter Evensen	Abuse: Police Officer Peter Evensen damaged § 87(2)(b) [REDACTED]'s property.	[REDACTED]
J.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri damaged § 87(2)(b) [REDACTED]'s property.	[REDACTED]
K.POM Peter Evensen	Abuse: Police Officer Peter Evensen threatened to detain § 87(2)(b) [REDACTED]	[REDACTED]
L.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
M.POM Salvatore Oliveri	Abuse: Police Officer Salvatore Oliveri threatened to detain § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On October 22, 2018, § 87(2)(b) who was § 87(2)(b) years, filed this complaint with the CCRB via the call processing system.

On October 17, 2018, at approximately 8:27am, PO Peter Evensen and PO Salvatore Oliveri, both of the 123rd Precinct, approached Dunkin' Donuts, located at 901 Huguenot Avenue on Staten Island. There, they questioned § 87(2)(b)'s classmates, § 87(2)(b) and § 87(2)(b) and stopped § 87(2)(b) as a result of truancy (**Allegations A, B, C, D, E, F, G, and H: Abuse of Authority-§ 87(2)(g)**). § 87(2)(b) called his mother and, at different times, both PO Evensen and PO Oliveri allegedly grabbed § 87(2)(b)'s phone causing the screen to crack (**Allegations I and J: Abuse of Authority-§ 87(2)(g)**). While on the phone with § 87(2)(b)'s mother, PO Evensen allegedly said that he was going to remove § 87(2)(b) to a truancy center (**Allegation K: Abuse of Authority-§ 87(2)(g)**). PO Oliveri later told § 87(2)(b) that he would either take him to jail or the truancy center (**Allegations L and M: Abuse of Authority-§ 87(2)(g)**). § 87(2)(b) and the other civilians then walked to school.

Video footage from Dunkin' Donuts, located at 901 Huguenot Avenue on Staten Island was provided to the investigation. There are three clips, all from different angles (Board Review 01, 02, 03).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Salvatore Oliveri questioned § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Salvatore Oliveri questioned § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Salvatore Oliveri questioned § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Peter Evensen questioned § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Peter Evensen questioned § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Peter Evensen questioned § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Salvatore Oliveri stopped § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Peter Evensen stopped § 87(2)(b)

It is undisputed that PO Evensen and PO Oliveri stopped § 87(2)(b) and questioned § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) testified that he and § 87(2)(b) and § 87(2)(b) arrived at Dunkin' Donuts at approximately 8:20am. § 87(2)(b) testified that all of them were students at § 87(2)(b). He testified that their classes begin at 8:10am. As they were leaving, PO Evensen approached the front door and leaned on it. He then allowed them outside. Once outside both PO Evensen and PO Oliveri asked for their IDs. § 87(2)(b) and § 87(2)(b) provided their IDs. § 87(2)(b) testified that

he did not have his ID. The officers looked at their IDs, wrote something down, handed them back, and they left. § 87(2)(b) remained with PO Evensen and PO Oliveri (Board Review 04).

At 00:10 in the board reviewed video footage from Dunkin' Donuts, § 87(2)(b) two males, and two females, exit the Dunkin' Donuts and speak to PO Oliveri. The civilians have bookbags. PO Evensen enters the Dunkin' Donuts. The individuals give PO Oliveri their IDs. They remain on scene for several minutes before leaving. § 87(2)(b) remains with the officers (Board Review 01).

PO Oliveri testified that he and PO Evensen stopped at the Dunkin' Donuts located at 901 Huguenot Avenue on Staten Island as part of their daily directed patrol around § 87(2)(b). They stop there because it is a regular truant hangout location. As the officers approached the location, they observed § 87(2)(b) and a female who both appeared to be less than 18 years old and were carrying backpacks. PO Oliveri testified that classes at § 87(2)(b) begin at 8:00am and the time that they were approaching Dunkin' Donuts was after that time, thus he believed they were truants. As they approached, PO Oliveri spoke to the § 87(2)(b) but he could not recall what he said or if he asked for her ID. At some point she provided her ID. § 87(2)(b) then took over the conversation by being loud. PO Oliveri testified that § 87(2)(b) was stopped for being for being a truant. He testified that the decision to approach the juveniles was made by both officers. He could not recall there being additional truants on scene. After being presented with the video footage showing the additional civilians, he reiterated that he could not recall them being there or him interacting with them (Board Review 05).

PO Evensen testified that he and PO Oliveri stopped at the Dunkin' Donuts as part of their directed patrol. There, they observed § 87(2)(b) and multiple other civilians that all appeared to be between 15 and 17 years old. He could not recall how many civilians he saw. He and PO Oliveri made the mutual decision to approach the individuals for being truants and to direct them to go to school. PO Evensen testified that he approached the door and, as a joke, leaned on it. PO Evensen then went inside to speak to the manager while the civilians spoke to PO Oliveri outside. When PO Evensen came back outside, there were still multiple civilians speaking to PO Oliveri. PO Oliveri was explaining that they had to go to school. PO Evensen could not recall if any of the juveniles provided their IDs nor if they were asked for them (Board Review 06).

When a minor, who reasonably appears to be over the age of six and less than eighteen, who is observed outside of school on a day of instruction and it is ascertained that the minor is a truant, take the minor into custody and deliver to school. NYPD Patrol Guide, Procedure 215-07 (Board Review 07).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation (I) Abuse of Authority: Police Officer Peter Evensen damaged § 87(2)(b)'s property.

Allegation (J) Abuse of Authority: Police Officer Salvatore Oliveri damaged § 87(2)(b)'s property.

§ 87(2)(b) testified that both officers grabbed his phone causing damage to the screen.

§ 87(2)(b) testified that PO Evensen asked § 87(2)(b) to call a parent and § 87(2)(b) called his mother. § 87(2)(b) spoke to his mother for approximately three minutes on speakerphone before PO Evensen grabbed the phone out of § 87(2)(b)'s hand. § 87(2)(b) testified that prior to this interaction, the screen on his phone was cracked. He did not have any photographs of this prior damage. When PO Evensen grabbed the phone, it caused pieces in the upper-right hand side of the screen to fall out. § 87(2)(b) asked the why he did that and PO Evensen told him that it did not matter. PO Evensen briefly spoke to § 87(2)(b) then handed the phone back to § 87(2)(b). § 87(2)(b) spoke to his mother for another couple of minutes before PO Oliveri grabbed the phone out of his hand. When PO Oliveri grabbed the phone, § 87(2)(b) observed a crack extend down the right side of the screen of the phone (Board Review 04).

During his sworn statement on November 16, 2018, the investigator took a photograph of § 87(2)(b)'s phone. It depicts several cracks as well as gaps of missing glass (Board Review 08).

At 08:33:16 in the board reviewed video footage, PO Evensen appears to retrieve a phone from the direction of where § 87(2)(b) is standing and speaks on it briefly before handing it back. At 08:35:59, while on the phone, § 87(2)(b) appears to spill his coffee. He then walks out of the view from this angle. A few seconds later, PO Oliveri enters the view speaking on § 87(2)(b)'s phone (Board Review 01).

PO Oliveri testified that he did ask to speak to § 87(2)(b)'s mother. He believed that § 87(2)(b) willingly handed him the phone. He denied grabbing it out of § 87(2)(b)'s hand. He could not recall the condition of the screen upon receiving the phone. He denied causing any damage to the phone's screen. PO Oliveri was shown the photograph of § 87(2)(b)'s phone. He testified that he could not recall if the phone was in that condition at the time of the incident. He denied doing anything to cause that damage. PO Oliveri could not recall PO Evensen being in possession of § 87(2)(b)'s phone. He denied observing PO Evensen cause any damage to the phone (Board Review 05).

PO Evensen testified that shortly after he came outside, PO Oliveri was on § 87(2)(b)'s phone with his mother. PO Evensen believed that PO Oliveri had asked § 87(2)(b) to call his mother. He did not see PO Oliveri grab § 87(2)(b)'s phone. PO Evensen could not see the condition of the phone at the time of this incident. He denied observing PO Oliveri do anything that could have caused damage to the phone. PO Evensen denied ever being in possession of the phone. He also denied ever causing any damage to the phone's screen. During his sworn statement, PO Evensen was presented with the video footage described above. He testified that he did not recall being on § 87(2)(b)'s phone and had no recollection of speaking to § 87(2)(b). He reiterated that he did not cause any damage to § 87(2)(b)'s phone (Board Review 05).

Based on the video footage and § 87(2)(b)'s testimony, the investigation concluded that PO Evensen first spoke on § 87(2)(b)'s phone, then PO Oliveri did.

§ 87(2)(g)

Allegation (K) Abuse of Authority: Police Officer Peter Evensen threatened to detain § 87(2)(b)

Allegation (L) Abuse of Authority: Police Officer Salvatore Oliveri threatened to arrest

§ 87(2)(b)

Allegation (M) Abuse of Authority: Police Officer Salvatore Oliveri threatened to detain

§ 87(2)(b)

§ 87(2)(b) alleged that PO Evensen threatened to take § 87(2)(b) to a truancy center and that PO Oliveri threatened to take him to a truancy center and arrest him.

§ 87(2)(b) testified that while PO Evensen was on the phone with § 87(2)(b) he told her that he was going to have to remove § 87(2)(b) to the Port Richmond Truancy Center. After PO Oliveri grabbed § 87(2)(b)'s phone, he told § 87(2)(b) that he would take § 87(2)(b) either to the truancy center or to jail. PO Oliveri did not state why he would arrest § 87(2)(b). While § 87(2)(b) was continuing to interact with the officers, he spilled his coffee. PO Oliveri told him "clean it up or I'll put you in cuffs." § 87(2)(b) believed PO Oliveri meant that he would be arrested or taken to the truancy center (Board Review 04).

§ 87(2)(b) provided a telephone statement in which she stated that she spoke on the phone with an officer while § 87(2)(b) was stopped. The officer explained to § 87(2)(b) that § 87(2)(b) was going to be taken to a truancy center and that she could pick him up from there. § 87(2)(b)'s understanding was that they later sent him to school instead. § 87(2)(b) then briefly spoke to § 87(2)(b) again and he began cursing. An officer, § 87(2)(b) could not tell if it was the same one, spoke to her and said that § 87(2)(b) would have to call her back (Board Review 09).

PO Oliveri could not recall if he threatened to take § 87(2)(b) to a truancy center. He confirmed that there is an NYPD operated truancy center in Port Richmond on Staten Island. He testified that, when dealing with a truant, it is up to the officer whether to remove the truant to a truancy center or just send them to school. PO Oliveri testified that when he spoke to § 87(2)(b) he informed her that § 87(2)(b) was a truant. He did not recall referencing the Port Richmond Truancy Center at any point. After they were off the phone with § 87(2)(b) § 87(2)(b) threw his coffee onto the ground, splashing some onto the window of the Dunkin' Donuts. PO Oliveri told § 87(2)(b) to clean it up. He denied telling § 87(2)(b) "clean it up or I'll put you in cuffs." PO Oliveri denied threatening to arrest § 87(2)(b). He did not recall if PO Evensen referenced the truancy center (Board Review 05).

PO Evensen did not recall threatening to remove § 87(2)(b) to a truancy center, hearing his partner do so, or referencing a truancy center. PO Evensen denied hearing PO Oliveri threaten to arrest § 87(2)(b). Towards the end of the interaction, § 87(2)(b) threw his coffee onto the window of the Dunkin' Donuts. PO Oliveri told § 87(2)(b) to clean it up. PO Evensen denied hearing PO Oliveri tell § 87(2)(b) that he would be placed into handcuffs if he did not clean it up (Board Review 06).

When a minor, who reasonably appears to be over the age of six and less than eighteen, who is observed outside of school on a day of instruction and it is ascertained that the minor is a truant, take the minor into custody and delivered to a truancy intake spot or to school. NYPD Patrol Guide, Procedure 215-07 (Board Review 07)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been party (Board Review 10).
- PO Evensen has been a member-of-service for 19 years and has been a subject in one CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)
- PO Oliveri has been a member-of-service for 15 years and has been a subject in seven cases and 11 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint
- A FOIL request for notices of claim was submitted to the New York City Office of the Comptroller on March 6, 2019. The results of that inquiry will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no histories of convictions in New York City (Board Review 11).

Squad No.: 1

Investigator: _____

	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date